

**AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE**

Index # 08 cv 03306

Purchased/Filed: April 2, 2008

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT

Andre Nichols, et ano

Plaintiff

against

Michael T. Mahoney, et al

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on April 14, 2008, at 2:00pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed

Summons in a Civil Action, Complaint, Judges Rules, and Order

on

EMC Contracting, Inc.

, the

Defendant in this action, by delivering to and leaving with Donna Christie,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 38 Approx. Wt: 145 Approx. Ht: 5'5"Color of skin: White Hair color: Blonde Sex: F Other: \_\_\_\_\_

Sworn to before me on this

17th day of April, 2008

DONNA M. TIDINGS  
NOTARY PUBLIC, State of New York  
No. 01T14898570, Qualified in Albany County  
Commission Expires June 15, 2011

Jessica Miller

Invoice Work Order # SP0803491